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Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Working Group on Firearms
Vienna, 2 and 3 May 2018

Annotated provisional agenda

Provisional agenda

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda and organization of work.
2. Preparation of the questionnaire to review the implementation of the Firearms Protocol.
3. Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals.
4. Other matters.
5. Adoption of the report.

Annotations

1. Organizational matters

(a) Opening of the meeting

The meeting of the Working Group on Firearms will be opened on 2 May 2018 at 10 a.m.

(b) Adoption of the agenda and organization of work

In its resolution 5/4, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the Organized Crime Convention, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Organized Crime Convention.

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Also in that resolution, the Conference decided that the working group should perform the following functions: (a) facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners; (b) make recommendations to the Conference on how States parties could better implement the provisions of the Firearms Protocol; (c) assist the Conference in providing guidance to its secretariat on the activities of the secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol; and (d) make recommendations to the Conference on how the Working Group could better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol.

In its resolution 7/1, entitled "Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the Conference decided, inter alia, that the Working Group on Firearms would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and encouraged the Working Group to consider meeting on an annual basis, as needed.

At its meeting on 22 January 2018, the extended Bureau of the Conference of the Parties agreed on the dates for the sixth meeting of the Working Group on Firearms, to be held in Vienna on 2 and 3 May 2018. Moreover, on 12 February 2018, the extended Bureau agreed, by tacit consensus, on the substantive topics of the Working Group.

The proposed organization of work, contained in the annex to the present document, was prepared in accordance with Conference resolution 7/1, in order to enable the Working Group to perform its mandated functions within the time and according to the conference services available to it. The resources available to the Working Group will permit the holding of four plenary meetings over two days, with interpretation in the six official languages of the United Nations.

2. Preparation of the questionnaire to review the implementation of the Firearms Protocol

In its resolution 8/2, the Conference decided to continue the process of establishing the mechanism for the review of the implementation of the Organized Crime Convention and the Protocols thereto based on the recommendations contained in the report on the meeting to explore all options regarding an appropriate and effective review mechanism for the Organized Crime Convention and the Protocols thereto, held in Vienna on 6 and 7 June 2016 (CTOC/COP/WG.8/2016/2). In the same resolution, the Conference also decided to elaborate specific procedures and rules for the functioning of the review mechanism for consideration and adoption by the Conference at its ninth session, which was to be guided by the principles and characteristics set out in Conference resolution 5/5.

In the same resolution, the Conference furthermore decided that the review mechanism would progressively address all the articles of the Convention and the Protocols thereto for each of the instruments that States parties are parties to, grouped in thematic clusters in accordance with the content of their provisions and that, in order to review each thematic cluster of articles, the relevant working group would define, with the assistance of the Secretariat, a short, precise and focused self-assessment questionnaire.

The fifth meeting of the Working Group on Firearms, held from 8 to 10 May 2017, considered a draft questionnaire prepared by the Secretariat for the review of the implementation of the Firearms Protocol (CTOC/COP/WG.6/2017/2). The comments and suggestions presented during the meeting were gathered in a non-paper that was circulated at the request of the Chair as an outcome document for the meeting. For its consideration of the present agenda item, the Working Group will have before it the non-paper containing the amended draft questionnaire for the review of the

implementation of the Firearms Protocol, in accordance with Conference resolution 8/2 (CTOC/COP/WG.6/2018/CRP.1). Comments on the draft questionnaire that were received following the fifth meeting of the Working Group on Firearms are available on the website of the Working Group. No other documentation is currently expected under this agenda item.

Documentation

Non-paper containing a draft questionnaire for the review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, in accordance with resolution 8/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (CTOC/COP/WG.6/2018/CRP.1)

3. Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals

The issue of the interlinkages between firearms trafficking and other types of serious and organized crime, including terrorism, is not really new and has already been acknowledged and addressed by Member States, from symmetric and complementary angles, in other international forums, such as the special session of the General Assembly on the world drug problem held in 2016 and the Security Council.

In the outcome document of that special session, entitled "Our joint commitment to effectively addressing and countering the world drug problem",[1] Member States specifically addressed the links between drug trafficking and other forms of organized crime. The outcome document included a recommendation to respond to the serious challenges posed by the increasing links between drug trafficking, corruption and other forms of organized crime, including trafficking in persons, trafficking in firearms, cybercrime and money-laundering, and, in some cases, terrorism, including money-laundering in connection with the financing of terrorism. Specifically, the document contains a recommendation to strengthen national, regional and international measures and, as appropriate, rules and regulations aimed at enhancing operational cooperation to prevent transnational organized criminal networks involved in illicit drug-related activities from trafficking and acquiring firearms, their parts and components and ammunition, explosives and other related material.

The Security Council, for its part, in its resolution 2370 (2017) on threats to international peace and security caused by terrorist acts and preventing terrorists from acquiring weapons, recognized that the illicit transfer, theft from national stockpiles and illicit craft production could be a source of small arms and light weapons, which could enable terrorist groups to considerably increase their armed capabilities, and also recognized the need for Member States to undertake appropriate measures consistent with international law to address the illicit trafficking in small arms and light weapons, in particular to terrorists, by enhancing, where appropriate and consistent with their domestic legal frameworks, national systems for collection and analysis of detailed data on illicit trafficking of such weapons to terrorists, and putting in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production, export, import, brokering, transit or retransfer of small arms and light weapons within their areas of jurisdiction.

The Conference of the Parties to the Organized Crime Convention has, in more general terms, acknowledged the links between firearms trafficking and other crimes, and has expressed, on more than one occasion, its concern at the increased levels of harm and violence that transnational organized criminal groups generate in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and has noted that reducing

[1] General Assembly resolution S-30/1, annex.

such illicit manufacturing and trafficking is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups.

In its resolution 8/3 on strengthening the implementation of the Firearms Protocol, the Conference called upon States parties to review and strengthen their national legislation, and to ensure that their legal frameworks and relevant measures adequately addressed the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their illicit trafficking. In the same resolution, the Conference urged States parties that imported and exported parts and components of firearms to reinforce their control measures with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking.

Also in the same resolution, the Conference urged States parties to strengthen coordination and cooperation among all their internal institutions involved in the prevention of and the fight against illicit trafficking, and to consider entering into effective international cooperation arrangements for investigations and prosecutions, including through joint investigative teams, applying the good practices adopted by some countries in their fight against terrorism and organized crime.

In the same resolution, the Conference further encouraged States parties to make use of future meetings of the Working Group to share and exchange information on firearms trafficking trends, routes and patterns and consider good practices, lessons learned, experiences, successes and challenges in the collection and analysis of such data, and in preventing and combating these crimes, with a view to enhancing cooperation and coordination in the fight against trafficking in firearms and related crimes.

In the same resolution, the Conference welcomed the commitment made by Member States in the 2030 Agenda for Sustainable Development to significantly reduce illicit arms flows in their efforts to promote peaceful and inclusive societies, and requested the Working Group on Firearms to consider at its future meetings its contribution to the implementation of target 16.4 of the Sustainable Development Goals, as well as towards measuring the progress in enforcing the control system that will enable national authorities in the fight against illicit firearms trafficking. In the same resolution, the Conference called upon States parties to develop or strengthen their national capacity for the collection and analysis of data on illicit firearms trafficking. In the same spirit, the Conference reiterated the mandate provided to the United Nations Office on Drugs and Crime (UNODC) to continue to collect and analyse, on a regular basis, quantitative and qualitative information and data on trafficking in firearms, their parts and components and ammunition, as well as to continue to share and disseminate its findings on best practices, the dimensions and characteristics of such trafficking, and lessons learned.

At its fifth meeting, held in Vienna from 8 to 10 May 2017, the Working Group on Firearms addressed the contribution of the Firearms Protocol in supporting the achievement of target 16.4 of the Sustainable Development Goals and in measuring the progress in enforcing control systems to enable States to effectively counter illicit trafficking in firearms (see CTOC/COP/WG.6/2017/4). At the meeting, the Working Group discussed links between firearms trafficking and other forms of organized crime, such as drug trafficking and terrorism, as well as the importance of strengthening the capacity of law enforcement and judicial officers to detect, investigate and prosecute those interconnected crimes. Several of the recommendations adopted at the meeting pointed directly to those links and provided fertile ground for more in-depth discussions, to be held at future meetings, on practical measures to prevent criminal organizations and terrorist groups from acquiring weapons.

Among the most salient recommendations relevant to this agenda item is that the Conference urge Member States to strengthen the regimes on marking, record-keeping and tracing with a view to better identifying firearms, supporting criminal

investigations and increasing the accountability of manufacturers, dealers, importers, exporters, brokers and commercial carriers and other licence holders, and that the Conference encourage States parties to create the legislative conditions and to strengthen their capacities for investigating and prosecuting the offences of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and related offences. In that connection, the Working Group also recommended that the Conference request UNODC to collect and analyse relevant cases and good practices to investigate and prosecute firearms trafficking cases, including cases linked to terrorism and organized crime, and to produce a compendium of good practices and measures that helps States to efficiently prevent and address the trafficking in firearms, their parts and components and ammunition. In the same spirit of enhancing the understanding and sharing of good practices with regard to these interconnected crimes, the Working Group also recommended that the Conference request UNODC to facilitate the exchange of information, lessons learned and best practices regarding emerging threats and new forms of crimes, such as urban crime committed by gangs, arms trafficking through parcel services and the darknet, the assembly of firearms from spare parts, the modi operandi of traffickers, including in cases linked to terrorism and organized crime, and other emerging topics.

With regard to measures to monitor the achievement of target 16.4 of the Sustainable Development Goals, the Working Group recommended that the Conference encourage Member States to participate in the efforts of UNODC to collect data on seized, found and surrendered firearms, their parts and components and ammunition, with a view to identifying and monitoring trafficking flows and reporting under indicator 16.4.2 of the 2030 Agenda, taking into consideration the need to develop a standardized methodology to address definitional and operational challenges in collecting key data. The Working Group also recommended that the Conference reiterate the importance of data collection and analysis relating to seized and trafficked firearms and illicit arms flows as the basis for the development of national policies and approaches to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and in that context encourage Member States to develop national indicators that help to measure the impact of their efforts.

Finally, the Working Group recommended that the Conference include in its agenda, at future meetings, a discussion on the follow-up actions taken and the challenges faced by Member States and UNODC with regard to the implementation of its recommendations.

Under the present agenda item, the Working Group may wish to discuss practical measures contained in the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons and to reducing and combating their illicit trafficking. In particular, the need to review and strengthen national firearms control legislation and institutional frameworks in order to enhance their effectiveness specifically to detect and prevent the risk that firearms, their parts and components and ammunition fall into the hands of criminal organizations and terrorist groups through illicit acquisition, import, export, sale, delivery, movement or transfer of such items, as well as through their theft and illegal diversion or trafficking from State-held stocks and/or from civilian households. Among the legislative aspects and measures to consider under the Firearms Protocol, the Working Group may wish to address the need to regulate the use of new technologies and new modi operandi, such as the Internet or parcel services, as these have been identified as being used by criminal organizations and terrorist groups to illicitly purchase and traffic in firearms, their parts and components and ammunition. The Working Group may also wish to address the need for greater harmonization among Member States of the technical specifications and standards for the implementation of the specific requirements under the Protocol for the deactivation of firearms, as well as to establish common standards for the conversion and modification of weapons.

Furthermore, the Working Group may wish to consider practical and operational measures to strengthen transfer and brokering controls (articles 10 and 15 of the Protocol); record-keeping, marking and tracing practices (articles 7 and 8 of the

Protocol); security measures to prevent the theft and diversion of firearms, their parts and components and ammunition, and measures to enhance border control and detection capabilities to disrupt illicit trafficking networks (article 11 of the Protocol). Such measures may also include exploring the extent to which specific criminalization provisions (article 5 of the Protocol) and standard operating procedures for the seizure and confiscation of illicit firearms (article 6 of the Protocol) could further facilitate criminal investigations and promote more effective international cooperation, including in relation to the tracing of firearms, the exchange of information, and law enforcement and judicial cooperation (articles 12 and 13 of the Protocol), and thus better address the links between organized crime and terrorism.

Moreover, bearing in mind the existing challenges faced in the detection of illicit trafficking flows and the investigation and prosecution of related offences, especially when those flows are linked to organized crime or terrorism, the Working Group may wish to follow up on its recommendation and address, during the discussions under the present agenda item, ways to strengthen alert, detection and control mechanisms for border control, including through strengthened cooperation between law enforcement authorities, customs authorities, importers and exporters of firearms, and other relevant sectors.

Finally, the Working Group may wish to consider measures at the national, regional and global levels to monitor the achievement of target 16.4 of the Sustainable Development Goals, and to consider calling upon Member States, to this end, to participate in and contribute to the efforts of UNODC to collect and analyse data on firearms trafficking, inter alia, by means of its revised questionnaire on illicit arms flows.

Under the present agenda item, the Working Group will have before it a background paper prepared by the Secretariat on practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and another background paper on the activities of UNODC to promote ratification and implementation of the Protocol.

The Working Group will further have before it the revised version of the questionnaire on illicit arms flows developed, pursuant to Conference resolution 8/2, by UNODC in consultation with Member States, other United Nations offices and international organizations, as well as weapons experts and experts in the field of data collection.

Documentation

Background paper prepared by the Secretariat on practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals (CTOC/COP/WG.6/2018/2)

Background paper prepared by the Secretariat on the activities of UNODC to promote ratification and implementation of the Firearms Protocol (CTOC/COP/WG.6/2018/3)

Background document prepared by the Secretariat containing the revised questionnaire on illicit arms flows (CTOC/COP/WG.6/2018/4)

4. Other matters

As no issues to be raised under item 4 have come to the attention of the Secretariat, no documentation regarding this item is currently foreseen.

5. Adoption of the report

The Working Group will adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

Annex

Proposed organization of work

Date and time	*Agenda item*	*Title or description*
Wednesday, 2 May		
10 a.m.–1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Preparation of the questionnaire to review the implementation of the Firearms Protocol
3–6 p.m.	2	Preparation of the questionnaire to review the implementation of the Firearms Protocol (*continued*)
Thursday, 3 May		
10 a.m.–1 p.m.	3	Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals
3–6 p.m.	3	Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals (*continued*)
	4	Other matters
	5	Adoption of the report